

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WHIRLPOOL PROPERTIES, INC., et al.,)	
)	
Plaintiffs,)	Case No. 1:03-cv-414
)	
v.)	Honorable Joseph G. Scoville
)	
LG ELECTRONICS U.S.A., INC., et al.,)	
)	
Defendants.)	
)	

ORDER STRIKING JURY DEMAND

Defendants have moved to strike the demand for jury and to bifurcate the trial. (docket # 284). As plaintiffs have withdrawn their demand for damages, the only remaining remedies at issue in this trademark litigation are plaintiffs' request for injunctive relief and its request for disgorgement of defendants' profits under 15 U.S.C. § 1117(a). On the authority of *Ferrari S.P.A. Esercizio Fabbriche Automobili E Corse v. Roberts*, 944 F.2d 1235, 1248 (6th Cir. 1991), the court finds that both remedies are equitable in nature and that no right to a jury trial exists under the Seventh Amendment. The court further finds that bifurcation of the issues will promote economy for the court and the parties. Accordingly, for the reasons set forth more fully on the record:

IT IS ORDERED that defendants' motion to strike the jury demand and bifurcate the trial (docket # 284) be and hereby is GRANTED. All remaining claims will be tried to the court. Plaintiffs' request for an advisory jury is DENIED.

IT IS FURTHER ORDERED that liability issues (a) infringement, (b) whether infringement was intentional, and (c) and fair use will be tried to the court beginning Tue., April 18, 2006, at 9:30 a.m., Courtroom 699, Ford Federal Building, Grand Rapids, Michigan. If liability is found, the court will hold a separate trial on issues of remedy.

DONE AND ORDERED this 22nd day of December, 2005.

/s/ Joseph G. Scoville

United States Magistrate Judge